

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN CUSTOMER
SATISFACTION INDEX, L.L.C.,

Plaintiff,

v.

FORESEE RESULTS, INC.,

Defendant.

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Case No. 2:18-cv-13319

District Judge Gershwin A. Drain
Magistrate Judge Anthony P. Patti

CFI GROUP, U.S.A., L.L.C.,

Plaintiff,

v.

VERINT AMERICAS, INC.,

Defendant.

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Case No. 2:19-cv-12602

District Judge Gershwin A. Drain
Magistrate Judge Anthony P. Patti

**ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO
COMPLETE DEPOSITION OF THIRD PARTY THE REGENTS OF THE
UNIVERSITY OF MICHIGAN (ECF No. 64 [Case No. 2:18-cv-13319], ECF
No. 34 [Case No. 2:19-cv-12602])**

Currently pending before the Court is Defendant's motion for leave to complete deposition of third party the Regents of the University of Michigan, which has been filed in each of these consolidated cases. (*See* ECF No. 64 [Case

No. 2:18-cv-13319], ECF No. 34 [Case No. 2:19-cv-12602]). Continuing with references to the earlier filed case, Defendant has filed certificates of service (ECF Nos. 69, 70) as requested in my January 14, 2021 text-only order, and Plaintiff has filed a response (ECF No. 71).

Judge Drain has referred this motion to me for hearing and determination. (ECF No. 65.) A video status conference was noticed for January 19, 2021, at which attorney William Dennis Cramer appeared for Plaintiff, attorneys Christopher C. Smith, Robert James Leonard, Stephen M. Schaetzel and Steven Matthew Philbin appeared for Defendant, and attorneys Jason Michael Garr and Rich Miller appeared for non-party University of Michigan. (ECF No. 68.)

Having reviewed the motion papers and considered the oral statements of counsel for the parties, and for the reasons stated by the Court on the record, all of which are incorporated by reference as if fully restated herein, Defendant's motion (ECF No. 64 [Case No. 2:18-cv-13319], ECF No. 34 [Case No. 2:19-cv-12602]) is **GRANTED**. The subject deposition(s) will go forward on one or more of the dates proposed – the 22nd, 26th, or 28th of January 2021 or the 2nd or 9th of February 2021. If these dates need to be adjusted for any *emergent* reason, then the Court will expect the parties and non-party to convene a recorded video conference and resolve the rescheduling without further Court involvement. Moreover, considering Plaintiff's allegation of being out of the loop, but recognizing that it

was reasonable for Defendant to first contact the non-party deponent's attorney, defense counsel is required to either copy Plaintiff on future communications regarding the scheduling of non-party Fed. R. Civ. P. 30(b)(6) depositions or share such information with Plaintiff's counsel within 4 hours. Finally, as defense counsel acknowledged during the video conference, these rulings resolve the pending motion and no further briefing is necessary (ECF No. 64 [Case No. 2:18-cv-13319], ECF No. 34 [Case No. 2:19-cv-12602])).

IT IS SO ORDERED.

Dated: January 19, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE